THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27626 of 2005

Dated: 30-12-2005

Between:

M/s.Murthy and Company,

Engineers and Contractors.

.. PETITIONER

AND

The Government of Andhra Pradesh,

Roads and Buildings Department,

Secretariat, Hyderabad.

.. RESPONDENTS

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ORDER:

The petitioner is an existing operator of the lifts in Burugula Rama Krishna Rao Buildings, Tank Bund, where several Government offices are located. The contract was awarded to the petitioner after inviting tenders. The petitioner challenges the action of the respondents in issuing tender notice, dated 15-12-2005, for award of the same work on several grounds. It is alleged that the Tender notice was published, just two days before the last date, with a view to help the selected persons, or institutions and that several conditions were incorporated in such away, as would disentitle the petitioner and several others.

The writ petition came up for admission on 27-12-2005. It has been adjourned twice, with a view to enable the learned Government Pleader for Roads and Buildings to obtain instructions. Learned Government Pleader submits that the tender notice, dated 15-12-2005, was displayed in the notice board of the Building complex as well as the office of the Engineer Sub-Division on 15-12-2005 itself. It is stated that it was published in the newspaper on 26-12-2005 and adequate publicity was given.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

Government issued G.O.Ms.No.94, dated 01-07-2003, prescribing the procedure, for inviting tenders and awarding of contracts, for different categories of Government works. It is not in dispute that the procedure prescribed therein applies to the present contract also. Clause 8(iv) of the said G.O., mandates that a time of atleast 14 days shall be allotted to the tenderers from the date of publication of the tender notice. In the instant case, the tender notice was published on 26-12-2005 and the last date for submission of tenders was 28-12-2005. Therefore, there exists only two days of time. If the respondents were of the view that displaying of the tender notice on 15-12-2005 in the relevant place was adequate publicity by itself, there was no necessity for them to publish it in the newspapers. The very fact that they chosen to publish in the newspapers, discloses that they felt the necessity of giving wide publicity to tenderers. That being the case, the respondents ought to have published the notice in such a way as to give atleast 14 days time to the intending tenderers.

Though the learned counsel for the petitioner had urged several grounds, touching on the validity of the conditions incorporated in the tender notice, this court is not inclined to deal with the same, since it is always open to the agency to stipulate the conditions.

Hence, the writ petition is disposed of, directing that the respondents shall issue fresh tender notice, in such away, as to give atleast 14 days time to the intending tenderers. The tenders received, in response to the impugned notice, shall also be considered without requiring them to file fresh tenders or leaving it open to them to submit tenders without depositing E.M.D. afresh. No order as to costs.

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30-12-2005

Note:

Furnish C.C. by tomorrow

(B/o)

Prv